



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,603	02/21/2001	Elin R. Pedersen	106143	4550

25944 7590 09/24/2004

OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

EXAMINER

ZHOU, TING

ART UNIT	PAPER NUMBER
----------	--------------

2173

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/788,603		PEDERSEN ET AL.	
	Examiner		Art Unit	
	Ting Zhou		2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 February 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/4/01</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to because the following reference characters are not labeled in an appropriate descriptive manner: reference characters “82”, “84”, “86” and “88” in Figure 3 should be labeled to clearly describe the element represented by each box.
2. Applicant is required to submit a proposed drawing correction of the above noted deficiencies in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

Claim Objections

3. Claims 1 and 11 are objected to because of the following informalities: it is suggested that the limitation “storing associations between at least one activity stream, at least one representation element” on lines 2-3 and 5-6 of claim 1 and 11, respectively, be changed to “storing associations between at least one activity stream and at least one representation element” in order to clearly convey the meaning of the limitation. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 7 recites the limitation "where selecting the at least one activity stream" on lines 1-2 of the claim. There is insufficient antecedent basis for this limitation in the claim. Claim 1, upon which claim 7 is dependent, states storing associations between the at least one activity stream and the at least one representation element, but fails to mention selecting the at least one activity stream. Since this limitation has not been addressed, there is no antecedent basis for "selecting the at least one activity stream".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

Art Unit: 2173

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Bonura et al. U.S. Patent 6,670,970.

Referring to claims 1 and 11, Bonura et al. teach a method and system comprising a memory (column 4, lines 55-61) that stores associations between at least one activity stream and at least one representation element (associating the presence/lack or new information on a floating window with the visual translucency of the representation element, or floating window, according to parameters that can be set by the application, user or system) (column 3, lines 57-65 and column 4, lines 3-6), at least one synthesizer circuit, synthesizing a value of a human sensible attribute of the at least one representation element based on changes in the at least one activity stream and the stored associations (synthesizing the displayed translucency/opacity of the floating window based on changes in the presence/lack of new information on the floating window; for example, when the floating window has been updated with new information within a predetermined time period, the window will become transparent and after a certain time period has elapsed, windows can become transparent, or partly transparent, according to parameters) (column 2, lines 35-45, column 3, lines 42-48 and column 5, lines 57-67 through column 6, lines 1-28).

Referring to claims 2 and 12, Bonura et al. teach determining a user's focus of attention, selecting at least one of the at least one representation elements to synthesize a

Art Unit: 2173

display attribute based on the user's focus of attention (synthesize, or change the translucency of the window to match the presence/lack of new information of the window that the user is focusing on; for example, initially, the user's focus of attention is on, or the user can easily read the information shown in window 500 of Figure 4; however, if the information of window 500 has not changed after 10 seconds, then window 500, which is the user's focus of attention, is selected to become 20% translucent) (column 5, lines 47-67).

Referring to claim 3, Bonura et al. teach the selected representation element is at the periphery of the user's focus of attention (for example, if no new information is detected, the floating window can become completely translucent, thereby allowing underlying windows to become visible and allowing users to interact with the underlying windows) (column 3, lines 43-55).

Referring to claims 4 and 13, Bonura et al. teach wherein an activity stream is information from at least one of sensor information, detector information, application information, telephone information, news information and pager information (the parameters governing changes between translucency/opacity of the floating windows are from, or can be set by the application) (column 3, lines 58-65).

Referring to claims 5 and 14, Bonura et al. teach the human-sensible attribute is synthesized based on a selected range (the displayed translucency of the floating windows are changed in steps; for example, the window can go from being 20% translucent to 40% translucent to 60% translucent, etc.) (column 6, lines 20-28).

Referring to claims 6 and 15, Bonura et al. teach wherein the human-sensible attribute is synthesized based on values outside a selected range (for example, if the

Art Unit: 2173

selected range is making the window 10% more translucent every 5 seconds without changes to the displayed information, when there are values outside the range, such that after 5 seconds, there have not been any new information, then the window will become 10% more transparent) (column 7, lines 1-33).

Referring to claims 7, to the extent it was understood by the examiner, and 16, Bonura et al. teach the at least one representation element and the at least one activity stream are dynamically associated based on which of the at least one activity stream has a value outside a predicted range of values (the displayed floating window and the detecting of activity such as new information are dynamically associated such that the window dynamically changes from being translucent to opaque according to whether the window meets a range of values, such as time elapsed since new information being presented) (column 3, lines 43-67 through column 4, lines 1-6).

Referring to claims 8 and 17, Bonura et al. teach determining the predicted range of values based on monitoring at least one of the at least one activity stream (monitoring the presence of new information and the time elapsed since new information has been presented to determine whether the floating window has reached the range of values, or the time elapsed since new information has been presented, that causes the window to become translucent) (column 5, lines 47-67 through column 6, lines 1-28).

Referring to claims 9 and 18, Bonura et al. teach the human-sensible attribute is a display attribute (the changed attribute is a displayed translucency of the window) (column 4, lines 3-6).

Referring to claims 10 and 19, Bonura et al. teach the display attribute includes at least one of a text characteristic, a window characteristic, a desktop characteristic (the

Art Unit: 2173

displayed attribute is a window characteristic, i.e. the translucency of the window)
(column 4, lines 3-6 and column 6, lines 56-67).

6. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach similar methods of dynamically associating an element with an activity.

Conclusion

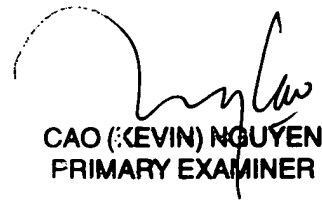
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (703) 305-0328 through the month of October, 2004 and (571) 272-4058 thereafter. The examiner can normally be reached on Monday - Friday 8:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached at (703) 308-3116 through the month of October, 2004 and (571) 272-4048 thereafter. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-8720 through the month of October, 2004 and (571) 273-4058 thereafter.

Art Unit: 2173

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

31 August 2004



CAO (KEVIN) NGUYEN
PRIMARY EXAMINER